

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicant : Anja EITRICH et al.

Confirmation No. 5886

Group Art Unit : 1616

Serial No. : 10/589,084

(National Stage of PCT/EP2005/050134) Examiner: not yet assigned

I.A. Filed: January 13, 2005

For : COSMETIC AND DERMATOLOGICAL SELF-TANNING
FORMULATIONS COMPRISING DIHYDROXYACETONE
AND GLYCERIN

INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Pursuant to 37 C.F.R. § 1.56 and 37 C.F.R. §§ 1.97-1.98, Applicants hereby direct the Examiner's attention to the following documents cited in the International Search Report for International Application PCT/EP2005/050134 of which the above-referenced application is the U.S. National Stage Application:

- (1) FR 2 801 211 A, May 25, 2001; accompanied by an English language Abstract (provided by esp@cenet);
- (2) EP 1 277 460 A2, January 22, 2003; accompanied by an English language Abstract (provided by esp@cenet);
- (3) WO 02/096371 A1, December 5, 2002;
- (4) FR 2 819 408 A1, July 19, 2002; accompanied by an English language Abstract (provided by esp@cenet);

- (5) FR 2 799 122 A1, April 6, 2001; accompanied by an English language Abstract (provided by esp@cenet);
- (6) U.S. Patent No. 5,932,234 (Simon et al.), August 3, 1999;
- (7) U.S. Patent No. 5,741,480 (Ascione), April 21, 1998;
- (8) EP 0 424 282 A1, April 24, 1991; accompanied by an English language Abstract (provided by esp@cenet);
- (9) WO 98/00098 A1, January 8, 1998;
- (10) U.S. Patent No. 5,972,314 (Crotty et al.), October 26, 1999; Applicants note that this document is family member of document (9);
- (11) U.S. Patent No. 5,705,148 (Bollens et al.), January 6, 1998;
- (12) U.S. Patent No. 5,547,658 (Hansenne et al.), August 20, 1996;
- (13) U.S. Patent Application Publication No. 2003/0228268 (Candau), December 11, 2003;
- (14) WO 03/101414 A1, December 11, 2003;
- (15) U.S. Patent Application Publication No. 2005/037042 (Tom Dieck et al.), February 17, 2005; Applicants note that this document is family member of document (14);
- (16) WO 03/070199 A1, August 28, 2003; accompanied by an English language Abstract (provided by esp@cenet);
- (17) U.S. Patent Application Publication No. 2003/129152 (Candau), July 10, 2003;
- (18) U.S. Patent Application Publication No. 2004/0191208 (Courtin), September 30, 2004;

- (19) EP 1 477 159 A1, November 17, 2004; accompanied by an English language Abstract (provided by esp@cenet); and
- (20) EP 1 481 663 A1, December 1, 2004.

Applicants further direct the Examiner's attention to the following documents cited in the German Search Report for German Patent Application 10 2004 006 830.5 of which the above referenced application claims priority:

- (21) DE 198 47 936 A1, April 20, 2000; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: Example 3, and claims 1 and 4;
- (22) U.S. Patent No. 6,403,062 (Golz-Berner et al.), June 11, 2002; Applicants note that this document is a family member of document (21);
- (23) EP 1 060 736 A2, December 20, 2000; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: claims 19 and 21; and
- (24) EP 8 84 045 A1, December 16, 1998; this document is categorized in the German Search Report as X document, i.e. casting doubt on novelty or non-obviousness by itself. The following passages of this document are indicated as relevant: claims 1, 3, and 5.

Applicants further direct the Examiner's attention to the following copending and commonly assigned U.S. patent applications:

- (25) Application No. 11/106,257, filed April 14, 2005 and entitled "Cosmetic and dermatological light protection formulations in the form of O/W macroemulsions or O/W microemulsions, with a content of dihydroxyacetone", which was published as U.S. 2005/0186236, and which is a Divisional Application of U.S. 09/678,766, filed October 2, 2000, now abandoned;
- (26) Application No. 11/483,674, filed July 11, 2006 and entitled "Cosmetic self-tanning compositions"; and
- (27) Application No. 11/477,414, filed June 30, 2006 and entitled "Use of octyl salicylate in cosmetic preparations comprising 1,3-dihydroxyacetone".


Copies of the above-listed documents (with the exception of U.S. patents and U.S. patent applications), the Written Opinion of the International Searching Authority (in English) for International Application PCT/EP2005/050134 and the German Search Report for German Patent Application 10 2004 006 830.5 are enclosed together with a completed copy of the Form PTO-1449 listing these documents. Copies of the International Search Report for International Application PCT/EP2005/050134 (in German and English) were enclosed with the papers when entering the National Stage on August 11, 2006. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the Form PTO-1449 with the next official communication.

Further to the U.S. Patent and Trademark Office's decision to partially waive the requirement under 37 C.F.R. § 1.98 (a)(2)(i) and (iii), copies of the U.S. patents and U.S.

patent applications cited above are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

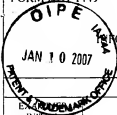
If there should be any questions, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Anja EITRICH et al.


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INFORMATION DISCLOSURE STATEMENT

BY APPLICANT

(Use several sheets if necessary)

Applicant
Anja EITRICH et al.Filing Date
1.A. Filed January 13, 2005Group
1616

U.S. PATENT DOCUMENTS

INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
/D.B./	5 9 3 2 2 3 4	08/03/99	SIMON et al.			
/D.B./	5 7 4 1 4 8 0	04/21/98	ASCIONE et al.			
/D.B./	5 9 7 2 3 1 4	10/26/99	CROTTY et al.			
/D.B./	5 7 0 5 1 4 8	01/06/98	BOLLENS et al.			
/D.B./	5 5 4 7 6 5 8	08/20/96	HANSENNE et al.			
/D.B./ 2003 /	0 2 2 8 2 6 8	12/11/03	CANDAU			
/D.B./ 2005 /	0 0 3 7 0 4 2	02/17/05	TOM DIECK et al.			
/D.B./ 2003 /	0 1 2 9 1 5 2	07/10/03	CANDAU			
/D.B./ 2004 /	0 1 9 1 2 0 8	09/30/04	COURTIN			
/D.B./	6 4 0 3 0 6 2	06/11/02	COLZ-BERNER et al.			
/D.B./ 2005 /	0 1 8 6 2 3 6	08/25/05	DORSCHNER et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
/D.B./	2 8 0 1 2 1 1	05/25/01	FRANCE			
/D.B./	1 2 7 7 4 6 0	01/22/03	E.P.O.			
/D.B./ 0 2 /	0 9 6 3 7 1	12/05/02	W.I.P.O.			
/D.B./	2 8 1 9 4 0 8	07/19/02	FRANCE			
/D.B./	2 7 9 9 1 2 2	04/06/01	FRANCE			
/D.B./	0 4 2 4 2 8 2	04/24/91	E.P.O.			
/D.B./ 9	8 / 0 0 0 9 8	01/08/98	W.I.P.O.			
/D.B./ 0 3 /	1 0 1 4 1 4	12/11/03	W.I.P.O.			
/D.B./ 0 3 /	0 7 0 1 9 9	08/28/03	W.I.P.O.			
/D.B./	1 4 7 7 1 5 9	11/17/04	E.P.O.			
/D.B./	1 4 8 1 6 6 3	12/01/04	E.P.O.			
/D.B./ 1	9 8 4 7 9 3 6	04/20/00	GERMANY			
/D.B./	1 0 6 0 7 3 6	12/20/00	E.P.O.			
/D.B./	0 8 8 4 0 4 5	12/16/98	E.P.O.			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

/D.B./	English Language Abstract of FR 2 801 211.
/D.B./	English Language Abstract of EP 1 277 460.
/D.B./	English Language Abstract of FR 2 819 408.
/D.B./	English Language Abstract of FR 2 799 122.
/D.B./	English Language Abstract of EP 0 424 282.
/D.B./	English Language Abstract of EP 1 477 159.
/D.B./	U.S. Patent Application No. 11/483,674, filed July 11, 2006 and entitled "Cosmetic self-tanning compositions".
/D.B./	U.S. Patent Application No. 11/477,414, filed June 30, 2006 and entitled "Use of octylsalicylate in cosmetic preparations comprising 1,3-dihydroxyacetone".

EXAMINER

/David Browe/

DATE CONSIDERED

10/08/2009

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant